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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOHN MEYER,

Plaintiff,

vs.

BIG SKY RESORT,

Defendants.

Cause No. 18- CV-00002-BMM

**BIG SKY RESORT'S FIRST
SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST DISCOVERY
REQUEST**

Defendant Big Sky Resort (“Big Sky”) hereby provides this supplemental response to Plaintiff’s First Discovery Request.

INTERROGATORY NO. 1: If Big Sky Resort, or anyone acting on its behalf, had any conversations with any newspaper, radio, or media outlet regarding the incident that formed the basis for this lawsuit, please identify each person that

was present at the time of the conversation, the location of the conversation, the date of the conversation, and give a complete description of each conversation in as much detail as can be recalled.

ANSWER: David Madison from Lone Peak Lookout sent Chelsi Moy, Big Sky media contact, e-mails on November 21, 2017 and November 22, 2017, which are produced with these discovery responses as BIG SKY 148 to BIG SKY 149. Big Sky also believes Amanda Eggert, Plaintiff's girlfriend, from Explore Big Sky contacted Chelsi Moy, Big Sky media contact, sometime in November or December 2017, asking for a statement regarding Plaintiff's incident, and Big Sky may have provided a statement. Big Sky is looking for any statement it may have provided and will produce it if it is located. On or about December 22, 2017, Big Sky was informed by Explore Big Sky that no article would be published. Big Sky also exchanged emails with Eric Ladd from Outlaw Partners in December 2017, which is produced with these discovery responses as BIG SKY 150 to BIG SKY 151.

SUPPLEMENTAL ANSWER: Big Sky incorporates by reference its original answer to Interrogatory No. 1 and supplements it as follows:

With regards to the November or December 2017 contact from Explore Big Sky described above, Big Sky has recently located a draft written statement that it believes is substantially similar, or identical, to the statement it provided in

response to Explore Big Sky's request for the same. See BIG SKY 179. Big Sky is continuing to search for the final version of the statement but is encountering difficulties in locating it due to Chelsi Moy's departure from Big Sky in June 2018. Big Sky will supplement this response if the final version of the statement can be located.

On August 21 & 22, 2018, David Madison of the Lone Peak Lookout contacted Big Sky's counsel, Ian McIntosh, by phone inquiring about the August 21, 2018 article in the Bozeman Daily Chronicle concerning this action. Madison informed Big Sky that he intended to run a story about this action. Big Sky's counsel referred Madison to the pleadings that have been filed in this action and asked that any questions concerning the action be submitted to Big Sky in writing.

On August 24, 2018, Madison sent Big Sky's counsel and current media contact, Stacie Mesuda, a list of questions that Madison requested Big Sky answer related to this action. *See* BIG SKY 180 to BIG SKY 182. Big Sky did not submit any responses to these questions.

On August 30, 2018, Stacie Mesuda and Big Sky general manager, Taylor Middleton, met with Madison in Big Sky, Montana. The conversation did not pertain to Meyer's ski wreck at Big Sky. Middleton explained to Madison that Meyer met with Middleton before filing suit and that Meyer demanded that Big Sky change its seasonal employee benefits program or else Meyer would sue over

his ski wreck and seek to disparage Big Sky regarding its benefits program in public. Middleton inquired as to Madison's journalistic goals in reporting on the case and asked whether Madison had read all of the court documents. Madison explained that he had read the court documents and had previously declined to publish any story because he felt it was unwarranted, but felt he needed to explore the story due to the article published in the Bozeman Daily Chronicle on August 21, 2018. Madison further explained that Meyer had contacted him regarding the case. Middleton and Madison went on to discuss other issues and events pertaining to the community of Big Sky that were unrelated to Meyer's ski wreck and this lawsuit.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents or notes related to or supporting your answer to the proceeding Interrogatory.

RESPONSE: See BIG SKY 148 to BIG SKY 151.

SUPPLEMENTAL RESPONSE: See BIG SKY 179 to BIG SKY 182.

INTERROGATORY NO. 2: If Big Sky Resort, or anyone acting on its behalf, had any conversations with any newspaper, radio, or media outlet regarding this lawsuit, please identify each person that was present at the time of the conversation, the location of the conversation, the date of the conversation, and give a complete description of each conversation in as much detail as can be recalled.

ANSWER: David Madison from Lone Peak Lookout sent Chelsi Moy, Big Sky media contact, e-mails on November 21, 2017 and November 22, 2017, which are produced with these discovery responses as BIG SKY 148 to BIG SKY 149. Big Sky also believes Amanda Eggert, Plaintiff's girlfriend, from Explore Big Sky contacted Chelsi Moy, Big Sky media contact, sometime in November or December 2017, asking for a statement regarding Plaintiff's incident, and Big Sky may have provided a statement. Big Sky is looking for any statement it may have provided and will produce it if it is located. On or about December 22, 2017, Big Sky was informed by Explore Big Sky that no article would be published. Big Sky also exchanged e-mails with Eric Ladd from Outlaw Partners in December 2017, which is produced with these discovery responses as BIG SKY 150 to BIG SKY 151.

SUPPLEMENTAL ANSWER: Big Sky incorporates by reference its original answer to Interrogatory No. 2 and supplements it as follows:

With regards to the November or December 2017 contact from Explore Big Sky described above, Big Sky has recently located a draft written statement that it believes is substantially similar, or identical, to the statement it provided in response to Explore Big Sky's request for the same. See BIG SKY 179. Big Sky is continuing to search for the final version of the statement but is encountering difficulties in locating it due to Chelsi Moy's departure from Big Sky in June 2018.

Big Sky will supplement this response if the final version of the statement can be located.

On August 21 & 22, 2018, David Madison of the Lone Peak Lookout contacted Big Sky's counsel, Ian McIntosh, by phone inquiring about the August 21, 2018 article in the Bozeman Daily Chronicle concerning this action. Madison informed Big Sky that he intended to run a story about this action. Big Sky's counsel referred Madison to the pleadings that have been filed in this action and asked that any questions concerning the action be submitted to Big Sky in writing.

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explained that he had read the court documents and had previously declined to publish any story because he felt it was unwarranted, but felt he needed to explore the story due to the article published in the Bozeman Daily Chronicle on August 21, 2018. Madison further explained that Meyer had contacted him regarding the case. Middleton and Madison went on to discuss other issues and events pertaining to the community of Big Sky that were unrelated to Meyer's ski wreck and this lawsuit.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents or notes related to or supporting your answer to the proceeding Interrogatory.

RESPONSE: See BIG SKY 148 to BIG SKY 151.

SUPPLEMENTAL RESPONSE: See BIG SKY 179 to BIG SKY 182.

REQUEST FOR PRODUCTION NO. 3-1: Please produce all written communications that Defendants, or others on its behalf, have had with any newspaper, radio, or media outlet regarding this lawsuit.

RESPONSE: Plaintiff's discovery requests include two requests labeled "Request for Production No. 3." This request has been relabeled as "Request for Production No. 3-1" in order to avoid any confusion.

Big Sky objects to Request for Production No. 3-1 as duplicative and cumulative of Request for Production No. 3. Both Request for Production No. 3 and Request for Production No. 3-1 ask for documents evidencing communications

with any newspaper, radio, or media outlet regarding this information. Like in its response to Request for Production No. 3, Big Sky refers Plaintiff to BIG SKY 148 to BIG SKY 151.

SUPPLEMENTAL RESPONSE: See BIG SKY 179 to BIG SKY 182.

DATED this 1st day of October, 2018.

CROWLEY FLECK PLLP

By /s/ Mac Morris
Ian McIntosh
Mac Morris
P.O. Box 10969
Bozeman, MT 59719-0969

Attorneys for Big Sky Resort

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon the following counsel of record by the means designated below this 1st day of October, 2018.

<input checked="" type="checkbox"/> U.S. Mail	John Meyer
<input type="checkbox"/> Hand Delivery	P.O. Box 412
<input type="checkbox"/> Facsimile	Bozeman, MT 59771
<input type="checkbox"/> FedEx	<i>Attorney for Plaintiffs</i>
<input type="checkbox"/> ECF	

/s/ Mac Morris

Mac Morris